
OLR Bill Analysis

SB 314

AN ACT CONCERNING SECOND PARENT ADOPTION.

SUMMARY:

This bill requires the Probate Court to waive the home study requirement when it receives an application for a co-parent (also called second-parent) adoption, unless good cause is shown. This waiver already applies to step-parent adoptions. The bill also authorizes probate judges to exclude the Department of Children and Families (DCF) from the list of those who must be notified when there is a pending second-parent adoption.

The co-parent adoption laws are for adults who may or may not be married to one another but want to share parenting responsibilities. One of the partners must be the child's biological parent. Such adoptions cannot go forward until parental rights of the child's other parent have been legally terminated.

EFFECTIVE DATE: October 1, 2013

BACKGROUND

Home Study Requirement

In most cases, the Probate Court must obtain and review a home study before approving an adoption. When it receives an adoption petition, in most situations, it must ask the DCF commissioner, or a child placing agency with which DCF contracts, to conduct a home study. This consists of an investigation of the child's physical and mental status and contains facts that may be relevant in determining whether the adoption is in the child's best interests. The investigator must submit a written report to the court within 60 days after he or she is assigned the case.

Second-Parent Adoptions and Rights of Co-Parents

A second parent adoption gives a co-parent full legal rights *vis a vis* the adoptive child. While these adoptions do not change the legal relationship between the two parents, they provide legal recognition and protection to both parents in relationship to their child. Because the child becomes the legal child of the co-parent, he or she may be entitled to benefits, such as health insurance and inheritance rights, that were not previously accessible. Both parents have equal access to medical and school records and if the biological parent dies, the non-biological parent retains custody. If the couple should separate or divorce, both parents have the same legal rights to petition for custody of, and visitation with, the child.

COMMITTEE ACTION

Children Committee

Joint Favorable

Yea 12 Nay 0 (03/12/2013)